

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 6TH JUNE 2007//16TH JYAISHTA, 1929

RP.No. 408 of 2007(W)

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(AGAINST JUDGMENT DTD. 18/012007 IN WP(C)NO.2087 OF 2007)**

REVISION PETITIONER/PETITIONER:

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M.P.PRASAD, SCIENTIFIC ASSISTANT GRADE I,
RUBBER RESEARCH INSTITUTE OF INDIA,
RUBBER BOARD, KOTTAYAM-9.**

BY ADV. SRI.S.ANIL KUMAR (SUMATHI SADANAM)

RESPONDENT:RESPONDENT:

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THE CHAIRMAN, RUBBER BOARD,
KEEZHUKUNNU P.O., KOTTAYAM-686 002.**

BY ADV. SRI.JOSEPH MARKOSE,SC FOR RUBBER BOARD

**THIS REVIEW PETITION HAVING BEEN FINALLY HEARD
ON 06/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

K.BALAKRISHNAN NAIR, J.

R.P. No.408 of 2007 in W.P.(C) No.2087 of 2007

Dated this the 6th day of June, 2007.

ORDER

Heard. The writ petition was disposed of in the absence of the counsel for the petitioner. The petitioner's appeal against the disciplinary proceedings was not forwarded by the disciplinary authority to the appellate authority, on the ground of delay in filing it. This Court found that the said stand cannot be said to be illegal in the absence of any application to condone the delay in filing the appeal. But, the petitioner points out that in para II of the memorandum of appeal there is a prayer to condone the delay. Since the counsel was not present, the same could not be brought to the notice of the learned Judge who heard the matter, it is submitted.

I heard the counsel for the respondent also. I feel that the petitioner was prejudiced owing to the absence of his counsel. Accordingly, the judgment under review is recalled and the writ petition is restored to file.

K.BALAKRISHNAN NAIR,
JUDGE.

MS

MS